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19 ***Attorneys for Plaintiffs Dell Inc. and Dell Products L.P.***

20 **UNITED STATES DISTRICT COURT**  
21 **NORTHERN DISTRICT OF CALIFORNIA**  
22 **SAN FRANCISCO DIVISION**

23 In re: CATHODE RAY TUBE (CRT)  
24 ANTITRUST LITIGATION

25 This Document Relates to:

26 *Electrograph Sys. v. Hitachi, Ltd.*, No. 11-cv-01656;

27 *Electrograph Sys., Inc. v. Technicolor SA*, No. 13-cv-  
28 05724;

*Siegel v. Hitachi, Ltd.*, No. 11-cv-05502;

*Siegel v. Technicolor SA*, No. 13-cv-05261;

*Best Buy Co. v. Hitachi, Ltd.*, No. 11-cv-05513;

*Best Buy Co. v. Technicolor SA*, No. 13-cv-05264;

*Interbond Corp. of Am. v. Hitachi, Ltd.*, No. 11-cv-  
06275;

Master File No. 3:07-cv-05944-SC

MDL No. 1917

**DECLARATION OF DEBRA D.  
BERNSTEIN IN SUPPORT OF  
PLAINTIFFS' OPPOSITION TO  
KONINKLIJKE PHILIPS N.V.'S  
MOTION FOR SUMMARY  
JUDGMENT AND PLAINTIFFS'  
OPPOSITION TO PHILIPS  
ELECTRONICS NORTH AMERICA  
CORPORATION'S, PHILIPS  
TAIWAN LIMITED'S, AND PHILIPS  
DO BRASIL LTDA.'S MOTION FOR  
PARTIAL SUMMARY JUDGMENT**

1           *Interbond Corp. of Am. v. Technicolor SA.*, No. 13-cv-  
2        05727;  
3           *Office Depot, Inc. v. Hitachi Ltd.*, No. 11-cv-06276;  
4           *Office Depot, Inc. v. Technicolor SA*, No. 13-cv-5726;  
5           *CompuCom Sys., Inc. v. Hitachi, Ltd.*, No. 11-cv-06396;  
6  
7           *P.C. Richard & Son Long Island Corp. v. Hitachi, Ltd.*,  
8        No. 12-cv-02648;  
9  
9           *P.C. Richard & Son Long Island Corp. v. Technicolor*  
10          *SA.*, No. 13-cv-05725;  
11  
11          *Schultze Agency Servs., LLC v. Hitachi, Ltd.*, No. 12-cv-  
12        02649;  
13  
13          *Tech Data Corp. v. Hitachi, Ltd.*, No. 13-cv-00157;  
14  
14          *Dell Inc. and Dell Products L.P., v. Hitachi, Ltd.*, No.  
15        13-cv-02171;  
16  
16          *Sears, Roebuck and Co. and Kmart Corp. v. Technicolor*  
17        *SA*, No. 13-cv-05262;  
18  
18          *Sears, Roebuck and Co. and Kmart Corp. v. Chunghwa*  
19        *Picture Tubes, Ltd.*, No. 11-cv-05514;  
20  
20          *Sharp Elecs. Corp. v. Hitachi, Ltd.*, No. 13-cv-1173 SC;  
21  
21          *Sharp Elecs. Corp. v. Koninklijke Philips Elecs., N.V.*,  
22        No. 13-cv-2776 SC;  
23  
23          *ViewSonic Corp. v. Chunghwa Picture Tubes, Ltd.*, No.  
24        14-02510;  
25  
25          *All Indirect Purchaser Actions.*

1 I, DEBRA D. BERNSTEIN, declare as follows:

2       1. I am a Partner with the law firm of Alston & Bird LLP, counsel for Plaintiffs Dell Inc.  
3 and Dell Products L.P. (collectively, "Dell") in the above-captioned action currently pending in the  
4 U.S. District Court for the Northern District of California. I submit this Declaration in support of  
5 Plaintiffs' Opposition to Koninklijke Philips N.V.'s Motion for Summary Judgment and Plaintiffs'  
6 Opposition to Philips Electronics North America Corporation's, Philip Taiwan Limited's, and Philips  
7 do Brasil Ltda.'s Motion for Partial Summary Judgment. I have personal knowledge of the facts stated  
8 herein, and I could and would competently testify thereto if called as a witness.

9       2. I am a member in good standing of the State Bar of Georgia and am admitted to practice  
10 before the U.S. District Court for the Northern District of Georgia. Pursuant to the Court's Pretrial  
11 Order No. 1 in the MDL Proceeding, I have been admitted *pro hac vice* in this litigation.

12       3. **Exhibit 1** are true and correct copies of excerpts from the November 5, 2014,  
13 deposition transcript of Royal Philips 30(b)(6) Representative Frans Spaargaren.

14       4. **Exhibit 2** is a true and correct copy of a document produced by Philips bearing bates  
15 numbers PNV0053292–PNV0053317.

16       5. **Exhibit 3** is a true and correct copy of a document produced by LPD bearing bates  
17 numbers LPD-NL00018396–LPD-NL00018473.

18       6. **Exhibit 4** is a true and correct copy of a document produced by Philips bearing bates  
19 number PHLP-CRT-071832.

20       7. **Exhibit 5** is a true and correct copy of a document produced by Philips bearing bates  
21 numbers PHLP-CRT-104383–PHLP-CRT-104511.

22       8. **Exhibit 6** is a true and correct copy of the Objections and Responses of Defendant  
23 Koninklijke Philips N.V. to DAP's First Set of Interrogatories.

24       9. **Exhibit 7** consists of true and correct copies of excerpts from the July 31-August 1,  
25 2012 deposition transcript of Royal Philips 30(b)(6) Representative Roger De Moor.

26       10. **Exhibit 8** is a true and correct copy of a document produced by Dell bearing bates  
27 numbers DELL-CRT-00095367–DELL-CRT-00095376.

1       11. **Exhibit 9** is a true and correct copy of a document produced by Philips bearing bates  
2 numbers EIN0051737–EIN0051744.

3       12. **Exhibit 10** is a true and correct copy of a document produced by Philips Electronics  
4 North America Corporation bearing bates numbers PENAC-DOJ-0000577–PENAC-DOJ-0000594.

5       13. **Exhibit 11** is a true and correct copy of a document produced by Philips bearing bates  
6 numbers PHLP-CRT-026300–PHLP-CRT-026301.

7       14. **Exhibit 12** is a true and correct copy of a document produced by Philips bearing bates  
8 numbers PHLP-CRT-026296–PHLP-CRT-026299.

9       15. **Exhibit 13** consists of true and correct copies of excerpts from the transcript of the  
10 December 12-13, 2013, deposition of Jim Smith.

11       16. **Exhibit 14** consists of true and correct copies of excerpts from the transcript of the  
12 October 8-9, 2014, deposition of Jan De Lombaerde.

13       17. **Exhibit 15** consists of true and correct copies of excerpts from the transcript of the  
14 February 19-21, 2013, deposition of Chih Chun Liu.

15       18. **Exhibit 16** is a true and correct copy of excerpts of a document produced by LPD  
16 bearing bates numbers LPD-NL00164354–LPD-NL00164438.

17       19. **Exhibit 17** is a true and correct copy of the Supplemental Exhibit A to Various DAP's  
18 Interrogatory Responses.

19       20. **Exhibit 18** is a true and correct copy of a document produced by Chunghwa bearing  
20 bates numbers CHU00028760–CHU00028762, as well as a certified translation of the same.

21       21. **Exhibit 19** is a true and correct copy of a document produced by Chunghwa bearing  
22 bates numbers CHU00028674–CHU00028676, as well as a certified translation of the same.

23       22. **Exhibit 20** are true and correct copies of excerpts from the transcript of the June 16-17,  
24 2013, deposition of Pil Jae Lee.

25       23. **Exhibit 21** is a true and correct copy of a document produced by Samsung SDI bearing  
26 bates number SDCRT-0086690.

27       24. **Exhibit 22** is a true and correct copy of a document produced by Samsung SDI bearing  
28

1 bates numbers SDCRT-0086675–SDCRT-0086681, as well as a certified translation of the same.

2       25. **Exhibit 23** is a composite exhibit consisting of true and correct copies of documents  
3 produced by Chunghwa bearing bates numbers CHU00030787–CHU00030794; CHU00030835–  
4 CHU00030838; CHU00021268–CHU00021271; CHU00029163–CHU00029170; CHU00030979–  
5 CHU00030984; CHU00029131–CHU00029137; CHU00029105–CHU00029107, as well as certified  
6 translations of the same to the extent the document is a foreign language document.

7       26. **Exhibit 24** is a true and correct copy of a document produced by Philips bearing bates  
8 numbers PHLP-CRT-109589–PHLP-CRT-109590.

9       27. **Exhibit 25** is a true and correct copy of a document produced by Philips bearing bates  
10 numbers PHLP-CRT-131584–PHLP-CRT-131590.

11       28. **Exhibit 26** is a true and correct copy of a document produced by Philips bearing bates  
12 numbers PHLP-CRT-130656–PHLP-CRT-130661.

13       29. **Exhibit 27** is a true and correct copy of a document produced by Philips bearing bates  
14 numbers PHLP-CRT-131901–PHLP-CRT-131906.

15       30. **Exhibit 28** is a true and correct copy of a document produced by Philips bearing bates  
16 numbers PHLP-CRT-131576–PHLP-CRT-131579.

17       31. **Exhibit 29** is a true and correct copy of a document produced by Chunghwa bearing  
18 bates numbers CHU00029138–CHU00029143, as well as a certified translation of the same.

19       32. **Exhibit 30** is a true and correct copy of a document produced by Chunghwa bearing  
20 bates numbers CHU00030995–CHU00030997, as well as a certified translation of the same.

21       33. **Exhibit 31** is a true and correct copy of a document produced by Philips bearing bates  
22 numbers PHLP-CRT-082372–PHLP-CRT-082374.

23       34. **Exhibit 32** are true and correct copies of excerpts from the transcript of the January 30–  
24 31, 2014, deposition of Patrick Canavan.

25       35. **Exhibit 33** is a true and correct copy of a document produced by Samsung SDI bearing  
26 bates numbers SDCRT-0002506–SDCRT-0002510, as well as a certified translation of the same.

27       36. **Exhibit 34** consists of true and correct copies of documents produced by Philips and  
28

1 Toshiba bearing bates numbers JLJ-00003899 and TSB-CRT-00035310, respectively.

2       37.   **Exhibit 35** is a true and correct copy of a document produced by Samsung SDI bearing  
3 bates number SDCRT-0002562, as well as a certified translation of the same.

4       38.   **Exhibit 36** is a true and correct copy of a document produced by Philips bearing bates  
5 numbers EIN0012882–EIN0012935.

6       39.   **Exhibit 37** is a true and correct copy of a document produced by Philips bearing bates  
7 numbers EIN104437–EIN104506.

8       40.   **Exhibit 38** is a true and correct copy of a document produced by Philips bearing bates  
9 numbers EIN0003750–EIN0003798.

10       41.   **Exhibit 39** is a true and correct copy of a document produced by Philips bearing bates  
11 numbers PTC-00006474.

12       42.   **Exhibit 40** is a true and correct copy of a document produced by Chunghwa bearing  
13 bates numbers CHU00030701–CHU00030704, as well as a certified translation of the same.

14       43.   **Exhibit 41** is a true and correct copy of a document produced by Chunghwa bearing  
15 bates number CHU00021272.

16       44.   **Exhibit 42** is a true and correct copy of a document produced by Chunghwa bearing  
17 bates number CHU00735558, as well as a certified translation of the same.

18       45.   **Exhibit 43** is a true and correct copy of a document produced by Philips bearing bates  
19 numbers PHLP-CRT-144478–PHLP-CRT-144585.

20       46.   **Exhibit 44** are true and correct copies of excerpts from the transcript of the February  
21 22, 25-26, 2013, deposition of Sheng-Jen. Yang.

22       47.   **Exhibit 45** is a true and correct copy of a document produced by LG Electronics  
23 bearing bates numbers LGE00092012–LGE00092018.

24       48.   **Exhibit 46** is a true and correct copy of a document produced by Philips bearing bates  
25 numbers PNV0152948–PNV0152949.

26       49.   **Exhibit 47** is a true and correct copy of a document produced by Philips bearing bates  
27 numbers PHLP-CRT-103886–PHLP-CRT-103888.

50. **Exhibit 48** is a true and correct copy of a document produced by Philips bearing bates number PHLP-CRT-052479.

51. **Exhibit 49** is a true and correct copy of a document produced by Philips bearing bates numbers PHLP-CRT-160819-PHLP-CRT-160822.

52. **Exhibit 50** is a true and correct copy of a document produced by Philips bearing bates numbers PHLP-CRT-1000-PHLP-CRT-1010.

53. **Exhibit 51** is a true and correct copy of a document produced by Philips bearing bates numbers PHLP-CRT-148795-PHLP-CRT-148796.

54. **Exhibit 52** is a true and correct copy of a document produced by Philips bearing bates numbers PHLP-CRT-048786-PHLP-CRT-048787.

55. **Exhibit 53** are true and correct copies of excerpts from the transcript of the July 1-3, 2013, deposition of Yasuki Yamamoto.

56. **Exhibit 54** is a true and correct copy of a document produced by Philips bearing bates numbers PHLP-CRT-014272-PHLP-CRT-014274.

57. **Exhibit 55** is a true and correct copy of a document produced by Philips bearing bates number PHLP-CRT-052781

58. **Exhibit 56** is a true and correct copy of a document produced by Philips bearing bates numbers PHILP-CRT-149827-PHILP-CRT-149829

59. **Exhibit 57** is a true and correct copy of a document produced by Philips bearing bates numbers PHLP-CRT-163389-PHLP-CRT-163391.

60. **Exhibit 58** is a true and correct copy of a document produced by Philips bearing bates number PHLP-CRT-159385. The exhibit also includes a true and correct copy of an attachment to this document, bearing bates number PHLP-CRT-159393.

61. **Exhibit 59** is a true and correct copy of a document produced by Philips bearing bates numbers PHLP-CRT-156458-PHLP-CRT-156460.

62. **Exhibit 60** is a true and correct copy of a document produced by Philips bearing bates numbers PHLP-CRT-158085-PHLP-CRT-158086.

1       63. **Exhibit 61** is a true and correct copy of a document produced by Matsushita-Toshiba  
2 Picture Display bearing bates numbers MTPD-0521744–MTPD-0521748, as well as a certified  
3 translation of the same.

4       64. **Exhibit 62** is a true and correct copy of a document produced by LPD bearing bates  
5 numbers LPD-NL00031186–LPD-NL00031206.

6       65. **Exhibit 63** is a true and correct copy of a document produced by Chunghwa bearing  
7 bates numbers CHU00578883–CHU00578885, as well as a certified translation of the same.

8       66. **Exhibit 64** is a true and correct copy of the Supplementary Objections and Responses  
9 of Defendant Philips Electronics North America Corporation to Dell's First Set of Interrogatories.

10      67. **Exhibit 65** is a composite exhibit consisting of true and correct copies of documents  
11 produced by the Philips bearing bates numbers PNV0121635–PNV0121640; EIN0000100; PHLP-  
12 CRT-082985.

13      68. **Exhibit 66** is a true and correct copy of a document produced by Samsung SDI bearing  
14 bates numbers SDCRT-0002488–SDCRT-0002489, as well as a certified translation of the same.

15      69. **Exhibit 67** is a true and correct copy of a document produced by Chunghwa bearing  
16 bates numbers CHU00031105–CHU00031106, as well as a certified translation of the same.

17      70. **Exhibit 68** is a true and correct copy of a document produced by Philips bearing bates  
18 numbers PHLP-CRT-089651–PHLP-CRT-089652.

19      71. **Exhibit 69** is a true and correct copy of a document produced by Philips bearing bates  
20 number PHLP-CRT-073314.

21      72. **Exhibit 70** is a true and correct copy of a document produced by Philips bearing bates  
22 numbers PHLP-CRT-160267–PHLP-CRT-160268.

23      73. **Exhibit 71** is a true and correct copy of a document produced by Philips bearing bates  
24 numbers PHLP-CRT-094860–PHLP-CRT-094861.

25      74. **Exhibit 72** is a true and correct copy of a document produced by Philips bearing bates  
26 number PHLP-CRT-161825.

27      75. **Exhibit 73** is a true and correct copy of a document produced by Philips bearing bates  
28

1 numbers PHLP-CRT-154722-PHLP-CRT-154723.

2       76.     **Exhibit 74** is a true and correct copy of the April 15, 2014 Expert Report of Mohan  
3 Rao.

4       77.     **Exhibit 75** is a true and correct copy of the April 15, 2014 Expert Report of Janet S.  
5 Netz.

6       I declare under penalty of perjury under the laws of the United States of America that the  
7 foregoing is true and correct.

8  
9       Executed on December 22, 2014, in Atlanta, Georgia.

10      */s/ Debra D. Bernstein*

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28      *Attorneys for Plaintiffs Dell Inc. and Dell Products L.P.*

**EXHIBITS 1-75  
FILED UNDER SEAL**